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THE HONORABLE RICHARD A. JONES

Attorney for Plaintiff

UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF WASHINGTON

SWINOMISH INDIAN TRIBAL)	
COMMUNITY,)	Civ. No. C07-1348-RAJ
)	
Plaintiff,)	
)	STIPULATED MOTION TO APPROVE
v.)	SECOND AMENDED CONSENT DECREE;
)	{PROPOSED} ORDER APPROVING
SKAGIT COUNTY DIKE DISTRICT NO. 22,)	SECOND AMENDED CONSENT DECREE
BOARD OF COMMISSIONERS OF SKAGIT)	
COUNTY DIKE DISTRICT NO. 22,)	
STANLEY E. NELSON, NOLAN LEE,)	NOTE ON MOTION CALENDAR:
CURTIS B. WYLIE, ROBERT A. HUGHES,)	FRIDAY, OCTOBER 12, 2012
and DAVID HUGHES,)	
)	
Defendants.)	
)	

Pursuant to the Court's September 5, 2008 summary judgment order, plaintiff Swinomish Indian Tribal Community ("Tribe") and defendants Skagit County Dike District No. 22, et al. ("District") jointly move this Court to adopt the attached Second Amended Consent Decree settling the remedy for the District's violations of the Clean Water Act ("CWA") and Endangered Species Act ("ESA"). The Second Amended Consent Decree, which is lodged herewith as Exhibit 1, represents a good faith settlement of the remaining disputed issues in this case and is consistent with and advances the goals of the CWA and ESA.

The parties have submitted the attached Consent Decree to the federal government for

STIPULATED MOTION TO APPROVE SECOND AMENDED
 CONSENT DECREE; ~~{PROPOSED}~~ ORDER APPROVING
 SECOND AMENDED CONSENT DECREE (C07-1348-RAJ) - 1 -

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comment. The parties have agreed to make changes to their proposed amended consent decree at the request of the federal government, and those changes are reflected in the second amended consent decree attached to this motion. The parties have been informed that because the government's proposed changes have been agreed to by the parties, the government has no objection to the entry of this second amended consent decree, and intends to inform the Court of its position by letter shortly. **Accordingly, the parties respectfully request that the Court enter this Second Amended Consent Decree at its earliest convenience after the noting date for this motion.**

Respectfully submitted this 5th day of October, 2012.

s/ Jan Hasselman
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Attorney for Defendants

~~[PROPOSED]~~ ORDER APPROVING SECOND
AMENDED CONSENT DECREE

The Second Amended Consent Decree is hereby APPROVED.

DATED this 15th day of October, 2012.

A handwritten signature in black ink, reading "Richard A. Jones", written over a horizontal line.

The Honorable Richard A. Jones
United States District Judge